

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nobuyuki KOJIMA, *et al.*

Serial No.: 10/576,812

Filed: 24 April 2006

Title: VIBRATION WAVE DRIVEN APPARATUS  
AND VIBRATOR

Group Art Unit: 2834

Examiner: ROSENAU, Derek John

Attorney Docket No.: CANO:336

Confirmation No.: 9042

**VIA EFS-WEB**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**NOTICE OF APPEAL (NOAP) WITH PETITION FOR TIME EXTENSION**

Sir:

Applicants appeal to the Board of Appeals from the decision set forth in the Final Rejection dated June 26, 2008 to maintain this application pending in case the examiner does not allow this application. As of the sixth-month deadline, the PAIR does not show any Action being issued, although the examiner telephonically informed the undersigned that an Action was submitted for approval.

If the examiner allows this application or issues a new Office Action (other than an Advisory Action), applicant urges the USPTO to set aside this NOAP and not charge the required fees, including for the extension of time. The Commissioner is authorized to charge any fees required to maintain pendency of this application (or credit any overpayment thereto) to deposit account 18-2056.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

29 DECEMBER 2009

DATE

/Lyle Kimms/

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